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September 23, 1958

MEMORANDUM FOR FILES

Subject: Meeting of tripartite working group September 20.

1. Reply to FEDREP Aide Memoire transmitting Bundestag resolution.
The French reported additional instructions from Quai d'Orsay with regard to the Western reply to the FEDREP Aide Memoire of September 15. The French believe that the reply should be addressed to the FEDREP and not to the Soviet Government, as originally recommended by the British. They agree that a prompt reply to the FEDREP is essential because of the German domestic political problems, but they felt that we should consider carefully our reply to the Soviet note in order to guard against providing the Soviets with an opportunity to press for East German participation in any Four Power discussions of the German problem.

With regard to the UK draft reply submitted to the tripartite working group on September 17 the French Foreign Office approved generally the comments made at that meeting by the US and French representatives. Specifically they recommend that the following points be made:

a) The necessity for forming an all-German Government as a result of free elections;

b) Negotiations of a peace treaty with an all-German Government so constituted;

c) Assignment of the responsibility on the question of German participation to Governments and not to experts on the Four-Power group (as suggested by the original UK draft).

In describing in greater detail the French position, the French reported on the following instructions from the Quai d'Orsay for the French Embassy in Bonn:

a) The Soviet note must be answered but the GDR must be ignored;

b) There can be no discussion between the two Germanies with regard to reunification;

c) German participation in Four-Power discussions might be acceptable provided it is not on Soviet terms;

d) Any Four-Power discussions of the German problem should not be limited to consideration of a peace treaty; in this sense Bonn's proposal would be an acceptable formula;

e) In other words the terms of reference for any special Four-Power group on the German problem should be first consideration of reunification and then of a peace treaty.

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The UK agreed with the US and French that we should make a direct reply to the FEDREP note and that this should receive priority because of the importance of recording our position on the FEDREP proposal before the meeting of the Bundestag on October 1. The UK believes, however, that the Soviet note of September 18 reinforces the UK argument that it is necessary to spike the Soviet-East German initiative as soon as possible. The UK recommends therefore that the replies to the FEDREP and the USSR be made simultaneously if possible.

The US stated that it could see considerable advantage in simultaneous replies. The French thought that it was quite possible that Couve would approve the UK suggestion for simultaneous replies.

In any case all agreed on the desirability of prompt preparations of replies in order to aim for a target delivery date of September 29, allowing for adequate German and NAC consultation before hand. Working group drafts of a reply to the FEDREP Aide Memoire of September 9 (based on a US initial draft) and to Soviet note of September 18 (based on US and UK initial drafts, attached) were prepared for submission to governments (text contained in Deptels 466 and 467 to Moscow).

cc: GER - Vigderman
RA - Fessenden
WE - McBride
EE - McSweeney

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The Government of the United States of America presents its compliments to the Government of the Union of Soviet Socialist Republics and, referring to the latter's Note No. 56/OSA of September 18, wishes to inform it of the following.

The Soviet note under reference mentions preparations for a meeting of Heads of Government, stating that the Soviet Government has put forward the German question as an important agenda problem for such a meeting. The Soviet Government will recall that these preparations were broken off on June 16 and have remained at a standstill ever since. This is because the Soviet Government has failed to respond to the Western proposal of May 31 or to subsequent reminders by the Western Powers on July 1 and August 22. The Government of the United States again urges the Soviet Government to accept the Western proposal for carrying on discussions of an agenda for a possible meeting of Heads of Government. In this way, preparations for such a meeting, including a discussion of the German problem in all its aspects, could proceed without further delay.

The Government of the United States shares the concern of the Soviet Government which is expressed in its note about the delay in the preparation of a peace treaty with Germany. It wishes to point out, however, that the reason why the German people are "deprived of the possibility of enjoying all the benefits of a peaceful situation" and equality with other peoples is not due basically to the absence of a German peace treaty. The fundamental difficulty is that the Soviet Government failed to fulfill its responsibility

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responsibility for the reunification of Germany which it recognized at the Geneva Conference of Heads of Government in 1955. Clearly, a peace treaty can only be concluded with a government established for the whole of Germany and genuinely representative of the German people. Obviously, therefore, reunification remains the first task and must precede consideration of the question of a peace treaty.

The Government of the United States of America sees no basis for solution of the problem of German unity, for which the Four Powers jointly hold responsibility, in the suggestion that it can be left to discussions between the Federal Republic of Germany and the so-called German Democratic Republic. The regime established in the Soviet Zone of Germany does not enjoy the support of the people of Eastern Germany. It is rightly regarded by the people of all parts of Germany as a regime imposed by a foreign power and maintained in power by foreign forces. Since this regime has no mandate from the people it purports to speak for, it would violate a basic moral principle to allow such a regime to participate in any discussions involving the future government of the German people.

In consonance with the principle of Four-Power responsibility for the reunification of Germany, the Federal Republic of Germany has recently submitted a proposal to the Governments of France, the Union of Soviet Socialist Republics, the United Kingdom and the United States for the establishment of a Four-Power group to prepare joint proposals for a solution of the German problem. The United States Government has accepted this proposal. It believes that the German proposal offers a chance of real progress toward a solution of the German problems, provided that the commission which it

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envisages is given a mandate to deal with all aspects of the German problem, including, of course, the question of German reunification and, if a satisfactory basis for reunification is achieved, also the principles of a peace treaty which would be concluded with a reunified Germany.

The United States Government is prepared to discuss the German problem on this basis in either forum - preparatory talks for a possible Summit meeting or a Four-Power commission, as proposed by the Federal Republic of Germany. The responsibility now lies, therefore, with the Soviet Government. It may agree to a resumption of the preparatory talks by accepting the procedure suggested by the Western Powers or by advancing an equally workable alternative. On the other hand, if the Soviet Government should prefer the separate forum for discussion of the German problem, proposed by the Federal Republic, it [?]may wish to reconsider its rejection of the German proposal.

A copy of the United States Government's reply to the September 9 Aide Memoire of the Federal Republic of Germany is enclosed.

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